UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	
	§	
	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. 4:10-cv-01910
	§	
$15, 242.00 IN U.S. CURRENCY	§	
Defendant in Rem	§	

DEFENDANT'S RESPONSE TO PLAINTIFFS' VERIFIED COMPLAINT FOR FORFEITURE IN REM

NOW COMES Defendant in Rem, $15,242.00 IN U.S. CURRENCY, named Defendant in the above-entitled and numbered cause, and files this Original Answer, and shows the Court:

PARTY IDENTIFICATION INFORMATION

1. Defentant in Rem is $15,242.00 in United States currency owned by Respondent Nobby Chipo Mambo.

SPECIFIED DENIAL

Defendant denies various allegations of Plaintiffs' Verified Complaint for Forfeiture in Rem, and demands strict proof thereof as required by law.

DEFENDANT IN REM'S RESPONSE TO ALLEGATIONS

1. Respondent does not dispute the nature of the action.
2. Respondent does not dispute that approximately $15,242.00 in United States currency was seized from Nobby Chipo Mambo on May 2, 2010 at the George Bush Intercontinental

Airport in Houston, Texas.

3. Respondent does not dispute that this Court has jurisdiction.
4. Respondent does not dispute that venue is proper in the Southern District of Texas.
5. Respondent denies that it is subject to forfeiture under 31 U.S.C. § 5317(c)(2) which provides that any property involved in violations of 31 U.S.C. §§ 5316 AND 5324(c) may be forfeited to the United States.
6. Nobby Chipo Mambo, Respodent, the person from whom the $15,242.00 in United States Currency was seized, denies that he told a United States Customs and Border Protection Officer (CBP Officer) that he was only carrying $4,000.00, rather Nobby Chipo Mambo contends that he told the CBP Officer that he was carrying "$4,000.00 over the limit," which to Nobby Chipo Mambo meant that he was declaring that he had $4,000.00 more than the $10,000.00 cut off specified in 31 U.S.C. § 5316(a)(1)(A.) Nobby Chipo Mambo was distraught over his mother's recent death in Zimbabwe, and tired from grieving and making hurried travel arrangements. Nobby Chipo Mambo contends that he did not fully understand what was asked in the written form he filled out, and also believed he was declaring that he was $4,000.00 due
7. Nobby Chipo Mambo, the person from whom the $15,242.00 in United States Currency was seized by CBP, contends that he misunderstood what was being asked and that he did declare that he was $4,000.00 over and above the $10,000.00 cut off specified in 31 U.S.C. § 5316(a)(1)(A.)

RELIEF REQUESTED

Defendant requests that the Court not issue and arrest warrant and a summons pursuant to

Rule G, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, deny judgment of forfeiture, deny costs, and deny any additional requests for relief that may be sought by Plaintiff.

Respectfully submitted,

Laird Valdez, LLP

By: ______________________________

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Attorney for Defendant
Nobby Mambo

CERTIFICATE OF SERVICE

I certify that on July 2, 2010 a true and correct copy of Defendant's Answer - General Denial was served to each person listed below by the method indicated.

Nathaniel Tarlow

Albert Ratliff
Attorney for United States of America
Albert Ratliff, Assistant United States Attorney
P.O. Box 61129
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TEL: (713) 567 9579
FAX: (713) 718 3300
By Personal Delivery

United States of America, as of United States of America

VERIFICATION

STATE OF TEXAS '
'
COUNTY OF HARRIS '

BEFORE ME, the undersigned authority, on this day personally appeared Nobby Chipo Mambo, who, being by me duly sworn, upon his oath stated that all the attached information & documents are to the best of his knowledge and are true and correct.

By: ______________________
Nobby Chipo Mambo

SUBSCRIBED AND SWORN TO BEFORE ME on this the 29th day of June, 2010, to certify which witness my hand and official seal.

SAN JUANITA RUIZ
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
11-13-2013

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Notary Public in and for the
State of Texas